

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55438 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- HISUWA District- Nawada

NIVAS KUMAR Son of Kuldeep Yadav Resident of Village - Modi Bigha,
P.S.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Hisua P.S.Case No.177 of 2020 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

Allegation is that the accused persons assaulted the daughter of Umesh Yadav. In the meanwhile the informant save her, accused Ravindra Prasad, Lalu Prasad and Mukesh Kumar started pelting stone from the roof. In course of occurrence the son of the informant came there, accused Ravindra Prasad, Lalu Prasad and Mukesh Kumar assaulted the son of the informant



causing head injuries. The son of the informant was taken to the Hospital and during course of treatment his son died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in the FIR was 06.06.2020 but the present FIR has been instituted on 08.06.2020 without any explanation of delay. He further submits that it appears from the FIR itself that there was no intention or motive to kill the son of the informant. In fact the free fight took place between the parties and son of the informant sustained some injury, as a result of which he died. He further submits that there is no specific allegation of assault against the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner. Learned counsel for the petitioner submits that co-accused, namely, Dinesh Kumar @ Dinesh Kumar Dinkar has been granted privilege of anticipatory bail vide order dated 19.07.2021 in Cr. Misc. No.1396 of 2021 and another co-accused, namely, Ravindra Prasad @ Manohar @ Ravindra Yadav and one Lallu Prasad @ Lallu Kumar have been granted bail vide order dated 06.09.2021 and 24.01.2022 in Cr. Misc.



No.24835 of 2021 and Cr. Misc. No.55349 of 2021 by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 06.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No.177 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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